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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P (S) No. 5044 of 2007

PETITIONER		M.C. Bhambri, S/o Shri M.L. Bhambri, Aged about 46 years, Working as Scientist (Selection Grade), Department of Agronomy, Indira Gandhi Krishi Vishwavidyalaya, Raipur (C.G.)
		Versus
RESPONDENTS	1	Indira Gandhi Krishi Vishwavidayala, Through its Registrar, Krishak Nagar, Raipur (C.G.)
	2	Dr. C.R. Hazara, Vice Chancellor, Indira Gandhi Krishi Vishwavidyala, Krishak Nagar, Raipur (C.G.)
	3	State of Chhattisgarh, through its Secretary, Department of Agriculture, D.K.S. Bhawan, Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri P.S. Koshy, counsel for the petitioner.
Shri Yashwant Singh, Govt. Advocate for the State.

ORAL ORDER
(05.09.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who is working on the post of Scientist, Selection Grade, Department of Agronomy, Indira Gandhi Krishi Vishwavidyalaya, Raipur, has challenged the validity of his transfer order dated 31.7.2007, whereby, he has been transferred from Raipur to Dantewada on the post of SMS, Agronomy, Krishi Vigyan Kendra.

Learned counsel for the petitioner submits that on 25.4.2007, 4 persons, including the petitioner, had gone to the Chancellor (Governor) raising the grievance regarding withdrawal of promotion orders of 36 professors, therefore, the

Vice Chancellor, with a malafide intention has passed the order of transfer of the petitioner. The names of those 4 persons are Shri P.K. Tiwari, Dr. A.K. Kosta, Professor Prashant Dubey and M.C. Bhambari. His submission is that all the 4 persons have been transferred by the Vice Chancellor on account of factum of meeting with the Governor. His further submission is that the project in which the petitoner is being transferred is sponsored by the Central Government and as soon as the project is over, the apprehension is that the services of the petitioner shall be jeopardized.

I have heard learned counsel for the petitioner at length and perused the record.

So far as the first ground of malafide is concerned, no transfer order, pertaining to the other 3 persons, mentioned above, has been filed before this Court to assess that in fact, all the 4 persons, as stated by learned counsel for the petitioner, have been transferred by the concerned authority on account of their meeting with the Governor. Moreover, it does not appear to be reasonable that merely on the ground that some persons had gone to meet the Governor, the department/authority shall transfer them. This contention further does not appear to be reasonable because, by the impugned order itself, as many as 10 persons have been transferred by the concerned department, whereas, there are no such allegation against the remaining 9 persons.

In view of the above, the ground of malafide raised by the petitioner, on the above event, cannot be entertained.

So far as the second ground regarding termination of the project is concerned, it is a matter of common parlance that even if the project is terminated, where an employee is posted or sent for working, in the event of such closure, the service of the employee, who is the working on the substantive post, never jeopardize. He is to remain on the substantive post and in the event of closure of a particular project, it would be incumbent upon the employer to make the next posting of the employee

and any presumption regarding jeopardizing service of the employee after closure of the project is simply an unfounded apprehension.

It is a settled position of law that nobody working on a transferable post can claim for his posting at a particular place. Unless, the order of transfer is shown to be vitiated by malafides, extraneous consideration or against the Rules or the Act, the Courts are not required to interfere with the orders of transfers.

In this case, on being pointedly asked from learned counsel for the petitioner that from when the petitioner is posted at Raipur, he very fairly submits that the petitioner is posted at Raipur since the year 1986 and this is for the first time, he is being transferred from Raipur to some other place.

In the facts and circumstances of this case, I do not find any reason to interfere in with the order of transfer of the petitioner from Raipur to Dantewada.

The petition has no merit and the same is dismissed.

Sd/-
Sunil Kumar Sinha
Judge

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